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Attorney Docket No. 55,449 (70551)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: M. Aramoto

EXAMINER: Unassigned

SERIAL NO.: 09/728,406

GROUP: Unassigned

FILED: December 1, 2000

FOR: METHOD OF DISTRIBUTING PROGRAM TO A PLURALITY OF NODES
WITHIN A NETWORK BY USING GATEWAY**CERTIFICATE OF EXPRESS MAILING**

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service, in an envelope as "Express Mail Post Office Addressee" Mailing Label Number **EL443635761US** addressed to the Assistant Commissioner of Patents and Trademarks, Washington, D.C. 20231 on January 9, 2001.

By: 

Donna M. Tomaso

BOX: MISSING PARTS

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

COMPLETION OF FILING REQUIREMENTS

Applicants filed the subject application with missing parts on December 1, 2000. To complete this application at the earliest date consistent with the U.S. Patent and Trademark Office's interpretation and proposed implementation of §4402 of the "American Inventors Protection Act of 1999", Applicants herewith submit the document missing from their original filing, the required filing fee, and the surcharge due in connection with the late filing of the Declaration and required filing fee. Applicants acknowledge that the enclosed documents and fees are being submitted in advance of the receipt of any Notice to File Missing Parts in the above-captioned application.

01/12/2001 AGOITOM 00000060 09728406

01 FC:101	710.00 OP
02 FC:105	130.00 OP
03 FC:102	80.00 OP

The date Applicants filed the subject application is later than the effective date (May 29, 2000) of the patent term adjustment provisions of §4402 of the "American Inventors Protection Act of 1999." The U.S. Patent and Trademarks Office, in the Notice for Proposed Rulemaking concerning the implementation of these patent term provisions provided that that notice "places applicants on **notice** as to the actions or inactions that are considered by the Office (and may be adopted in the final rules) as circumstances constituting a failure [by applicants] to engage in reasonable efforts to conclude prosecution (processing or examination) of the application, and which will result in a reduction of any patent term adjustment.¹" One of the alleged actions or inactions included in the proposed rulemaking as being exemplary of such actions or inactions constituting such a failure is the filing of an application without the basic filing fee, an English translation and/or an oath or a Rule 63 declaration. It is further provided in the proposed rulemaking that the period for adjustment of the patent term will be reduced by the number of days for the period *beginning* with the *filing date* of the application and *ending* on the date applicant *supplies* the omitted documents and/or fees². Accordingly, Applicants are submitting the below identified document and fees to minimize the period of time that might be used in reducing the patent term adjustment.

¹ 65 FR No. 63, at 17215.

² 65 FR No. 63 at 17219-220 (Emphasis added). Applicants have omitted for clarity, the additional language in the Federal Register specifically concerning the case in which all of the inventors do not execute the declaration.

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Enclosed herewith for filing in the subject application are the following:

 X A properly signed oath or declaration in compliance with 37 CFR 1.63 with power of attorney, identifying the application by the above Application Number and filing date.

As to any fees required to complete the subject application, such application filing fees are as calculated below:

1.	Basic filing fee.....	\$710.00
2.	Independent Claims in Excess of Three.....	\$ 80.00
4.	Surcharge for late payment of filing fee and/or late filing of original declaration or oath [37 C.F.R. §1.16(e)].....	130.00
	TOTAL.....	\$920.00

Enclosed is a check payable to the Commissioner of Patents in the amount of \$920.00 for payment in full for the filing and surcharge fees due.

Applicants also respectfully request that the official filing receipt be issued, or, if already issued, be corrected to reflect the inventorship of the subject application as provided in the enclosed Declaration, and to include the addresses for each of the identified inventors.

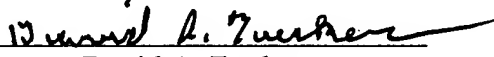
Applicants believe that additional fees are not required to complete the filing requirements for the subject application, however, if for any reason a fee is required, a fee paid is inadequate or credit is owed for any excess fee paid, you are hereby authorized and requested to charge Deposit Account No. **04-1105**.

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The Commissioner also is hereby authorized to charge herein or in the future any deficiencies in the following fees: filing fees (37 C.F.R. §1.16(a), (f) or (g)); fees associated with the presentation of extra claims (37 C.F.R. §1.16(b), (c) and (d)); surcharge for filing the basic filing fee and/or declaration on a date later than the filing date of the application (37 C.F.R. §1.16(e)); extension fees pursuant to § 1.136(a) (37 C.F.R. §1.17(a)(1)-(5)); and application processing fees (37 C.F.R. §1.17).

Respectfully submitted,

Date: January 9, 2001

By: 
David A. Tucker
Reg. No. 27,840

Dike, Bronstein, Roberts & Cushman
Intellectual Property Practice Group
EDWARDS & ANGELL, LLP
130 Water Street
Boston, MA 02109
(617) 523-3400

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Practitioner's Docket No. 55,449 (70551)

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: M. Aramoto

Application No.: 09/728,406

Group No.: Unassigned

Filed: 12/01/2000

Examiner: Unassigned

For: METHOD OF DISTRIBUTING PROGRAM TO A PLURALITY OF NODES WITHIN A NETWORK BY USING GATEWAY

Assistant Commissioner for Patents

Washington, D.C. 20231

STATEMENT BY PRACTITIONER THAT APPLICATION FILED IN PTO
IS THE ONE INVENTOR EXECUTED BY SIGNING DECLARATION

I, David A. Tucker, Esq.
Dike, Bronstein, Roberts & Cushman
Intellectual Property Practice Group
EDWARDS & ANGELL, LLP
130 Water Street
Boston, MA 02109
USA
Reg. No. 27,840
Tel. No. (617) 523-3400

CERTIFICATE OF MAILING/TRANSMISSION (37 C.F.R. 1.8a)

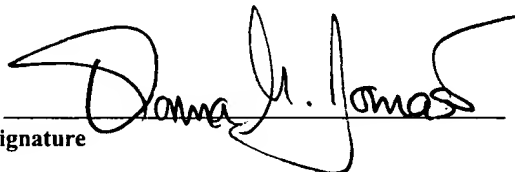
I hereby certify that this correspondence is, on the date shown below, being:

MAILING

- ☒ deposited with the United States Postal Service with sufficient postage as express mail (Label No. EL443635761US) in an envelope addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.

FACSIMILE

- ☐ transmitted by facsimile to the Patent and Trademark Office.


Signature

Date: January 9, 2001

Donna M. Tomaso
(type or print name of person certifying)



state I am the registered practitioner for this application and the application identified above is the application that the inventor(s) executed by signing the declaration that is being submitted herewith.

David A. Tumbas
SIGNATURE OF PRACTITIONER

Customer No.: 21874
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